

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

SEP 04 2012

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
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UNITED STATES OF AMERICA, ) CASE NO. 7:08CR00054  
)  
v. ) FINAL ORDER  
)  
WILLIAM A. WHITE, ) By: James C. Turk  
) Senior United States District Judge  
Defendant. )

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the defendant's petition, which the court construed and docketed as a motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255 (ECF No. 297), is **DISMISSED** without prejudice; his related motion for appointment of counsel (ECF No. 298) is **DENIED**; and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability, to the extent one is required to appeal, is **DENIED**.

ENTER: This 21st day of August, 2012.

*James C. Turk*  
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Senior United States District Judge